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Counsel for the Circuit City Stores, Inc. Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653-KRH

(Jointly Administered)

**ORDER GRANTING MOTION OF THE CIRCUIT CITY STORES, INC.
LIQUIDATING TRUST TO ENFORCE TERMS OF CONFIRMED PLAN
TO FACILITATE RESOLUTION OF TRUST'S RIGHTS_
IN LETTER OF CREDIT PROCEEDS**

This matter comes before the Court on the Motion (the "Motion") of the Circuit City Stores, Inc. Liquidating Trust (the "Trust") To Enforce Terms Of Confirmed Plan To Facilitate Resolution Of Trust's Rights In Letter Of Credit Proceeds (ECF No. 13953). By the Motion, the Trust seeks an order enforcing the Plan Injunction in order to facilitate the Trust's recovery of Letter Of Credit Proceeds securing the Debtors' obligations under insurance policies with Old Republic Insurance Company ("ORIC"). Specifically, the Motion requests that, with respect to forty-seven (47) individuals as identified on Exhibit A to the Motion and who asserted prepetition claims against the Debtors for which no proofs of claim were ever filed, the Court issue an order

expressly deeming the claims as discharged and enjoined from further prosecution by the Confirmation Order and Plan.

The Court (a) having reviewed the Motion and (b) having heard the statements of counsel regarding the relief requested in the Motion at a hearing before the Court on January 18, 2017 (the “Hearing”); the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) notice of the Motion and the Hearing was proper and adequate under the circumstances and no other or further notice is necessary; and (d) upon the record herein after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein, therefore,

IT IS HEREBY ORDERED that

1. The Motion is GRANTED.
2. All capitalized terms not otherwise defined herein shall have the meaning given to them in the Motion.
3. Pursuant to the terms of the Plan and Confirmation Order, and as enforced by this Order, (1) the Unfiled Claims are discharged and (2) further prosecution of the Unfiled Claims outside of the bankruptcy claims process is enjoined.
4. The Trust shall serve a copy of this Order upon counsel for ORIC at panderson@foxswibel.com and rwestermann@hf-law.com on or before five (5) business days from the entry of this Order.
5. This Court retains jurisdiction with respect to all matters arising from or related to this Order.

Dated: Feb 2 2017
Richmond, Virginia

/s/ Kevin R Huennekens

HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket:2/2/17

WE ASK FOR THIS:

TAVENNER & BERAN, PLC

/s/ Lynn L. Tavenner

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Counsel for the Circuit City Stores, Inc. Liquidating Trust

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed Order has been endorsed by or served upon all necessary parties.

/s/ Lynn L. Tavenner

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